

# **EXHIBIT 2**

**(Plaintiffs' February 1, 2013, letter seeking clarification of status of Toyota Defendants' finite element modeling)**

**CAUSE NUMBER: 3:11-cv-0207-N**

**Submitted as Exhibit to Plaintiffs' Response to Toyota's Request for Additional Time to Supplement Discovery**



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February 1, 2013

**VIA EMAIL AND FAX**

Kurt Kern

David Stone

**BOWMAN AND BROOKE, LLP**

2501 North Harwood St., Suite 1700

Dallas, TX 75201

**RE: *Ollie Greene, et al v. Toyota Motor Corporation et al*; Cause No. 3:11-cv-00207-N in the United States District Court for the Northern District of Texas, Dallas Division.**

Dear Kurt:

As you know, on January 23, 2013, you represented to Judge Godbey at the hearing on Plaintiffs' Motion to Compel that none of the Toyota Defendants has custody or control of "any" FEM (e.g. input data files, computer simulation and computer models of testing) related in any way to the 2003-2009 and the 2010-2012 U.S. bound 4Runners. We have ordered a transcript of the hearing to confirm the exact words you used in your representation.

In reviewing Toyota's recent responses we are unable to ascertain whether the responses reflect your representation to the Court. For instance, Toyota's responses contain over breadth, irrelevance, and undue burden objections to the phrase "finite element analysis input files" and states "TMC did not locate any such FEM analyses." Accordingly, Plaintiffs are unable to determine whether your response is factually consistent with your representation to the Court. The discovery requests seek more than just "analyses."

Therefore, please respond (as I believe the Court would instruct) whether Toyota has any FEM representations (e.g. input data files, computer simulation and computer models of testing) related in any way to the 2003-2009 and the 2010-2012 U.S. bound 4Runners.

We look forward to your prompt reply.

Sincerely,

Aubrey "Nick" Pittman

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